

### Remarks

The Office Action mailed July 6, 2007 withdrew the previous indication of allowability of claims 1, 2 and 14, maintained the allowance of claims 6-12 and 15-17, and objected to claims 3-5, 20 and 21. The Applicant appreciates the continued diligence on the part of the Examiner with regard to the prosecution of the present case.

Claims 1, 5 and 18 have been amended above, and new claim 22 has been added. Independent claim 1 now generally features “*determining a head positioning profile for a first track in relation to a track profile for the first track, a track profile for a second track and a non-zero weighting value.*” Support includes allowed claim 6. Dependent claim 5 has been amended to better conform to, and to depend from, base claim 1.

Independent claim 18 now generally features a step of “*determining a head positioning profile for the first track in relation to the track profile for the first track and a second track profile for a second track when the first track profile has a first value relative to the predetermined threshold, else not determining a head positioning profile for the first track when the first track profile has a second value relative to the predetermined threshold.*” This selective operation is supported including by steps 806 and 808 in FIG. 8 and in the specification at page 12, line 30 to page 13, line 6.

New claim 22 depends from claim 18 and generally features “*repeating the comparing and determining steps for each of a plurality of tracks on a storage medium so that a first subset of the plurality of tracks have said head positioning profiles determined therefor and a second subset of the plurality of tracks do not have said head positioning profiles determined therefor.*” This selective operation is supported including in FIGS. 7-8

and in the specification at page 5, lines 15-24; page 8, lines 7-13; page 10, lines 8-10 and page 12, lines 4-12.

These amendments are believed to be proper, do not introduce new matter and serve to place the application in proper condition for reconsideration and allowance.

#### **Allowable Subject Matter**

The Applicant gratefully acknowledges the allowance/indication of allowability of claims 3-12, 15-17 and 20-21.

#### **Rejection of Claims Under 35 U.S.C. §102(b)**

Claims 1, 2 14 and 18 were rejected as being anticipated by U.S. Published Patent Application No. US2002/0067567 to Szita (“Szita ‘567”). This rejection is respectfully traversed.

For clarity, the rejection of previously presented claim 1 is respectfully traversed on the basis that while Szita ‘567 does measure track squeeze between adjacent tracks (see e.g., para [0093]), this would not be fairly viewed as disclosing a step of “*comparing the track profile for the first track to a predetermined threshold,*” as claimed.

Nevertheless, claim 1 now generally features “*determining a head positioning profile for a first track in relation to a track profile for the first track, a track profile for a second track and a non-zero weighting value.*” The Applicant agrees with the Examiner that this step is not disclosed by Szita ‘567, as evidenced by the allowance of independent claim 6. Reconsideration and allowance of claim 1, as well as dependent claim 2, are accordingly requested.

The Applicant further submits that Szita '567 fails to disclose "*determining a head positioning profile for the first track in relation to the track profile for the first track and a second track profile for a second track when the first track profile has a first value relative to the predetermined threshold, else not determining a head positioning profile for the first track when the first track profile has a second value relative to the predetermined threshold,*" as now featured by independent claim 18.

Rather, Szita '567 performs the disclosed "ZAP" process on each track in turn irrespective of the track squeeze value measured between adjacent tracks. See e.g., Szita '567, paras [0093] and [0094] and FIG. 6. Reconsideration and withdrawal of the rejection of claim 18 are accordingly solicited.

### **New Claim 22**

Pursuant to 37 CFR 1.111, new claim 22 is also believed to be patentable over the art of record, including Szita '567, on the basis that claim 22 depends from a patentable base claim.

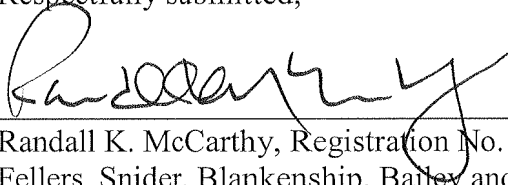
### **Conclusion**

This Response is intended to be a complete response to the non-final Office Action mailed July 6, 2007. The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application.

Should any questions arise concerning this Response, the Examiner is cordially invited to contact the below signed attorney.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Randall K. McCarthy", written over a horizontal line.

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